

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 2:14-cr-00019-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**(1) JERRY MONROE BERRY and
(2) JOSHUA MONROE BERRY,**

Defendants.

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ORDER

THIS MATTER is before the Court on Defendant Jerry Monroe Berry's Unopposed Motion to Continue Jury Trial [Doc. 31] and Defendant Joshua Monroe Berry's Joinder in Motion to Continue Docket Call [Doc. 32].

On October 3, 2014, the Defendants were charged in a criminal complaint. [Doc. 3]. Their initial appearances were held on October 3, 2014, at which time they were appointed counsel. On October 22, 2014, the Defendants were charged in a Bill of Indictment with conspiracy to manufacture and possess with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and manufacturing marijuana, and aiding

and abetting others in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. [Doc. 27]. Additionally, Defendant Joshua Monroe Berry was charged with using and carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c), and with possession of a firearm while being addicted to a controlled substance, in violation of 18 U.S.C. § 922(g)(3). [Id.]. The Defendants waived the right to appear personally at their arraignment, and this matter was placed on the November 3, 2014 calendar for trial.

The Defendants now move for a continuance of the trial date, citing the need for additional time to prepare for trial. [Docs. 31, 32]. The Government does not oppose the requested continuance.

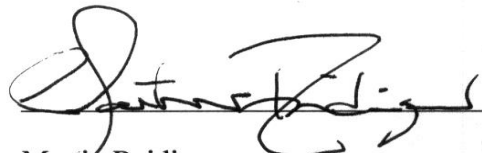
The Court finds that this case should be continued. If the requested continuance were not granted, the Court finds that counsel would be denied “the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of the continuance outweigh the best interest of the public and the Defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the Defendants' motions to continue [Docs. 31, 32] are **GRANTED**, and the above-captioned case is **CONTINUED** from the November 3, 2014 term in the Asheville Division.

IT IS SO ORDERED.

Signed: October 27, 2014


Martin Reidinger
United States District Judge

